

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TAMALYN FRIENDLY, on behalf of all  
other similarly situated consumers,

Case No. 15-13541

Plaintiff,

Honorable John Corbett O'Meara

v.

J.J. MARSHALL AND ASSOCIATES,  
L.L.C.,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff Tamalyn Friendly recently filed an amended, two-count complaint, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, in Count I and Michigan's Collection Practices Act, Mich. Comp. Laws Ann. § 339.901, in Count II. The amended complaint has been filed as a class action. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Count II are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claim to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

**ORDER**

It is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: November 18, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 18, 2015, using the ECF system.

s/William Barkholz  
Case Manager